

ANNO QUINTO & SEXTO

GULIELMI IV. REGIS.

****

CAP. XLVIII.

An Act for the better Prevention and more speedy Punishment of Offences endangering the Public Peace in *Ireland*. [31st *August* 1835.]

WHEREAS heinous and systematic Outrages and Disturbances of the Peace have from Time to Time prevailed in several Parts of *Ireland*, and it is expedient to provide for the speedy and effectual Prosecution and Suppression of such Offences; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful to and for the Lord Lieutenant of *Ireland*, by and with the Concurrence of His Majesty's Privy Council in *Ireland*, from Time to Time, as Occasion shall require, to order and direct that an Extraordinary Court of General Sessions of the Peace shall be holden in and for any County in *Ireland*, at such Place or Places therein, and at such Time or Times, as such Lord Lieutenant and Council may deem proper; and such Lord Lieutenant shall thereupon nominate and appoint One of His Majesty's Serjeants or Counsel to preside at any such Sessions or any Adjournment thereof, and act as Chairman thereof; and such Serjeant or Counsel, so long as he shall continue to hold the said Office, shall, without further Appointment or Commission, have all the Powers of a Justice of the Peace, and be to all Intents and Purposes a Justice of the Peace in, of, and for the County in which such Extraordinary Court of Sessions of the Peace shall be holden, and shall receive such Sum, not exceeding Ten Guineas for each

Lord Lieutenant in Council may order an Extraordinary Court of General Sessions to be holden for any County in Ireland.

each Day during which he shall be so engaged, as to such Lord Lieutenant shall seem fit.

Such Court to have Powers of any Court of Oyer and Terminer, &c.

II. And be it enacted, That each such Court shall have and exercise all Rights, Powers, Jurisdictions, Privileges, Authorities, Functions, and Capacities appertaining, incident, or belonging to any Court of Oyer and Terminer and General Gaol Delivery, or to any Court of General Quarter Sessions of the Peace, provided that no Person shall be indicted or tried before such Court for any Offence rendering the Person convicted thereof liable to the Punishment of Death; and that every Justice of the Peace, Coroner, Clerk of the Crown, and Clerk of the Peace, and other Person who may have any Recognizance, Information, Inquisition, Examination, Deposition, or other Document which would have been returnable to the next Court of Oyer and Terminer and General Gaol Delivery or General or Quarter Sessions for the same County, shall return the same to the said Extraordinary Court holden in pursuance of such Order and Direction, if relating to any Offence or Matter cognizable by such Court; and that all Sheriffs, Clerks of the Crown and of the Peace, Constables, and other Officers, bound to attend at any Sessions of the Peace or Assizes, shall be in like Manner bound to attend at such Courts to be holden under the Provisions of this Act, and obey the Orders thereof.

Sheriffs and other Officers bound to attend it.

Prosecutors, Offenders, Witnesses, &c. shall be bound to attend thereat on receiving a written Notice to that Effect.

III. And be it enacted, That all Prosecutors, Traversers, Offenders, Witnesses, and others, who shall be bound by Recognizance or otherwise to appear at any ordinary Sessions of the Peace or Assizes, or other Court of Criminal Jurisdiction for such County, shall, upon being duly served Ten Days previous to the holding of such Extraordinary Court of Sessions with a Notice or Summons on behalf of His Majesty, either personally, or by leaving the same at his, her, or their usual or last Place of Abode, attend at such Extraordinary Court of Sessions, and prosecute, abide Trial, appear, or give Evidence at the same, in like Manner as any such Person would be bound to do at any Court specified in any such Recognizance, or at which such Person would be otherwise bound to appear; and in case of Default of any such Person in that Behalf, such Person, and every Surety for him, shall be liable as for a Breach of such Recognizances in like Manner as if the Condition thereof had been violated by a like Default with respect to the Court specified therein; but if the Person bound in such Recognizance shall appear at such Extraordinary Court to be holden under this Act, and shall prosecute, abide Trial, give Evidence, or be ready to give Evidence before the Grand Jury and upon the Trial, as the Case may be, then the said Recognizances shall be discharged in like Manner as if the Condition thereof had been fulfilled according to the Terms thereof.

Notice to be given by the Clerk of the Peace of the Time and Place for holding such Court.

IV. Provided always, and be it enacted, That the Clerk of the Peace for the County in which any such Extraordinary Court of Sessions shall be directed to be holden under the Authority of this Act shall cause the Time and Place appointed for holding the same to be notified in the usual Manner of notifying the holding of

General

General or Quarter Sessions, or Adjournments thereof, or otherwise as the said Lord Lieutenant shall direct; and that the necessary and proper Expences to be thereby incurred shall be raised by Presentment of the Grand Jury at the Assizes of the County, in like Manner as the other Expences incurred in the Discharge of the necessary and accustomed Duties of such Clerk of the Peace are defrayed.

Court may adjourn from Time to Time and Place to Place, until Termination of its Sitting, as fixed by Order of Lord Lieutenant in Council.

V. And be it enacted, That each such Extraordinary Court of Sessions shall continue to sit, and shall adjourn from Time to Time and Place to Place as Convenience may require, until such Day as shall be specified for the Termination thereof in and by a like Order to be made by the said Lord Lieutenant of *Ireland* in Council; and that for the Purposes of each such Session, and during the Continuance thereof, such Precepts, Writs, Warrants, Processes, and other Means for enforcing the Attendance thereat of Grand Jurors, Petty Jurors, Witnesses, Traversers, Offenders, and other Persons, shall and may be issued and returned, and Juries impannelled, in like Manner as in ordinary Cases of proceeding at any Court of Criminal Jurisdiction: Provided always, that the Names of the Persons returned to serve on the Grand Jury at any such Session shall be taken from the "Special Jurors List" of such County.

Grand Jury.

Offenders to be tried forthwith, unless Court shall otherwise order.

VI. And be it enacted, That no Traverse in prox. shall be received or allowed at any such Court, but that every Person charged with any Offence thereat shall plead forthwith, and the Trial be directly proceeded upon, unless the Court shall, upon sufficient Matter disclosed by Affidavit, think fit in its Discretion to postpone such Trial according to the Course of any Court of Oyer and Terminer, General Gaol Delivery, or General or Quarter Sessions, either to any subsequent Sitting or Adjournment of such Extraordinary Court, or to any other Court of Oyer and Terminer and General Gaol Delivery, or General or Quarter Sessions of the Peace, or Adjournment thereof, for the same County.

Proceedings not to be removed by Certiorari, &c.

VII. And be it enacted, That no Proceeding of or at any Extraordinary Court of General Sessions holden under the Authority of this Act shall, before Trial and Judgment, be removed into His Majesty's Court of King's Bench by Writ of Certiorari or otherwise.

Carrying or concealing Fire-arms in certain Cases to be deemed a Misdemeanor.

VIII. And be it enacted, That any Person not duly authorized by Law to keep Fire-arms who shall be found, between Sunset and Sunrise, with Fire-arms or other offensive Weapons in his Possession, in any Place save his own Dwelling House, or any Person not duly authorized by Law to keep Fire-arms who shall be found, at any Hour of the Day or Night, with any loaded or concealed Fire-arms or offensive Weapon, within any County in which any Court holden under this Act shall be then acting, shall be deemed to be guilty of a Misdemeanor.

Lord Lieutenant, on Presentment of Grand Jury,

IX. And whereas Infractions of the Law and Violations of the Public Peace are frequently contrived and committed by nocturnal Assemblies of disorderly Persons, and it is desirable to provide under

may direct such Court to issue a Notice enjoining the Inhabitants of Places therein specified to remain within their Habitations at Night.

under proper Regulations some Check to such Meetings; be it therefore enacted, That if the Grand Jury impannelled at any such Sessions to be holden under this Act shall make a Presentment to the Court that a Necessity exists for taking Measures to suppress nocturnal Meetings, such Presentment shall be transmitted by the Chairman to the said Lord Lieutenant, together with the Opinion of the Court thereon; and it shall and may be thereupon lawful for the said Lord Lieutenant, with the Advice of His Majesty's Privy Council, to authorize and direct such Court to issue a Notice, enjoining the Inhabitants of such County, or any Part thereof, or of any adjacent County to be specified therein, to be and remain within their respective Lodgings and Habitations at all Hours between One Hour after Sunset and Sunrise, from and after such Day as shall be named and specified therein for that Purpose, and warning them that all Persons who may be found abroad or absent from their respective Habitations during such Hours, save upon some lawful and proper Occasion, will be liable to be punished as guilty of an Offence under the Provisions of this Act; and such Notice shall be printed and posted on some conspicuous Place in each Town and Village within each Barony or Half Barony of such County, or if the same be a County of a City or Town, on the principal Places for posting Notices within the same.

Any Person found abroad in the Night after such Notice, in any Place specified therein, shall be deemed guilty of a Misdemeanor.

X. And be it enacted, That any Male Person who shall be between One Hour after Sunset and Sunrise, at any Time after the Day specified in any such Notice, abroad in any Field, Road, or elsewhere out of his Habitation or Lodging, within any County or District specified in such Notice, save upon some lawful and proper Occasion, shall be deemed to be guilty of a Misdemeanor; and that any Magistrate or Constable of Police who shall find any Person so abroad, within such Hours and within such County or District, shall, at his Discretion, have Power and Authority to apprehend such Person; and he shall be committed and detained until Trial, unless held to Bail by some Person thereto authorized.

After the Day named in such Notice, Court may authorize by Warrant domiciliary Visits in Places therein specified, &c.

XI. And be it enacted, That at any Time after the Day named and specified in such Notice it shall be lawful for the Court at any such Session to issue a Warrant, signed by the Chairman thereof, and countersigned by the Clerk of the Peace, and directed to One or more Magistrate or Magistrates, Chief Constable or Chief Constables of Police, authorizing him or them, at any Time from One Hour after Sunset until Sunrise, to demand and require that any or every Person being an Inhabitant or Inmate of any House or Building within the County or District specified in such Notice shall come forth and show himself or themselves; and if any such Person shall not so come forth and show himself within Ten Minutes after he shall be so required he shall be deemed to be then absent, and shall be certified in Writing to be so to the said Court by the Person or Persons by whom he may have been so required to appear; and every Owner of any House within such District shall, within Twenty-four Hours after he shall have been required by any Magistrate or Chief Constable so to do, deliver to such Magistrate or Chief Constable a List of the Names of every Inmate or Inhabitant

in his House; and every such Owner who shall neglect or refuse so to do shall forfeit for every such Neglect or Refusal a Sum not exceeding Ten Shillings, on Conviction before a Magistrate in a summary Manner for such Neglect or Refusal, and in default of Payment, on Demand, of the Sum so forfeited, may be imprisoned for any Term not exceeding One Week; and the Amount of the Sum so forfeited shall and may be levied by a Sale of his Goods and Chattels in case he shall not suffer such Imprisonment.

As to the Execution of such Warrants.

XII. Provided always, and be it enacted, That no such Warrant as aforesaid shall be executed or proceeded upon in any County out of the ordinary Jurisdiction of such Court, unless the same shall be endorsed by One or more of the Magistrates of such adjacent County.

Court may summon and examine on Oath Persons certified to have been absent from their Dwellings, and may imprison and fine any Person convicted thereof who cannot satisfactorily account for the same.

XIII. And be it enacted, That it shall be lawful for the Court to which such Certificate shall be returned to summon and require all Persons thereby certified to have been absent from their respective Dwellings to appear before such Court, and for such Court to examine such Persons or any other Person who may be produced before them upon Oath as to such Absence and the Cause thereof; and if it shall be proved that any such Person was duly required to appear by the Person or Persons so authorized as aforesaid, and if any such Person so summoned shall not appear before such Court, or if, upon such Examination, the Non-compliance of such Person with the Demand of the Person or Persons so authorized as aforesaid shall not be explained to the Satisfaction of such Court, or if it shall appear to such Court that such Person was so absent from his Dwelling as aforesaid without some lawful and proper Cause or Occasion, such Person shall be deemed to be guilty of an Offence within this Act, and the Court shall have Power to convict him summarily thereof, and, in case of a First Offence, to commit him to such Place of Confinement within the County as such Court shall think proper for any Period not exceeding One Month, or to impose upon him a Fine not exceeding One Pound, or both, and for any subsequent Offence to award a like Imprisonment for a Period not exceeding Three Months, or to impose a Fine not exceeding Five Pounds, or both, and also to order that the Party convicted shall give Security for his good Behaviour for Twelve Calendar Months, or in default thereof be liable to an additional Imprisonment for any Term not exceeding One Month.

Giving false Information or obstructing Execution of Warrant.

XIV. And be it enacted, That any Person who shall knowingly give false Information to any Person authorized by such Warrant, or shall obstruct any Person acting thereunder in the Execution thereof, after Notification of the Object and Nature thereof, shall be deemed to be guilty of a Misdemeanor.

Lord Lieutenant may order Sums necessary for Remuneration of Chairman under

XV. And be it enacted, That it shall and may be lawful for the Lord Lieutenant of *Ireland*, by his Warrant, to direct to be issued, out of the Produce of the Consolidated Fund arising in *Ireland*, such Sums of Money as may be necessary for the Remuneration of any of His Majesty's Serjeants or Counsel appointed under the Authority of

this Act to be advanced out of Consolidated Fund; such Advances to be repaid by Grand Jury Presentment.

of this Act; and that on the Production to the Grand Jury at the Assizes of any County of the Certificate of the Chief or Under Secretary of the said Lieutenant of the Amount of the Money so advanced and issued in respect of the Remuneration of such Serjeant or Counsel so employed within the same County, such Grand Jury shall present the same to be levied off the County at large, and such Money, when levied, shall be paid to the Collector of Excise of the District within which such County may be situate, to be by him accounted for in like Manner as other Public Monies.

Construction of Terms.

XVI. And be it enacted, That in the Interpretation of this Act the Words "Lord Lieutenant of *Ireland*" shall extend to and include any Lords Justices or other Chief Governor or Governors of *Ireland* for the Time being; and the Word "County" shall extend to and include any Riding, or County of a City, or County of a Town, or City and County; and every Word importing the Singular Number shall extend and be applied to several Persons or Things as well as to one Person or Thing; and every Word importing the Masculine Gender shall extend and be applied to a Female as well as to a Male; save and except where, in the Use of any such Expression as aforesaid, the Nature of the Provision or the Context shall exclude such Construction.

Duration of Act.

XVII. And be it enacted, That this Act shall continue and be in force for Five Years from and after the passing thereof, and no longer; and may be altered or repealed during this present Session of Parliament.

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE, Printers to the King's most Excellent Majesty. 1835.